THE ART UNION INVESTIGATION.

Be ore Hon. D. B. Taylor and A. M. Clapp.

May 9.—Pursuant to adjournment, the Committee met
ten o'clock yesterday morning, D. B. Taylor, Eaq., in
heals, ir. Mr. Joseph Monk further cross examined by Mr. Fuller-

Q.—When did you first make out this extra bill against Q.—When did you first make out this extra bill against the Art Union?

A.—I do not know; Mr. Coe knows better than I; I made the state of the state out no bill previous to that time; I left the Art Union I think on the last day of July, 1852; I have not had excess to the last day of July, 1852; I have not had excess to the time; I may have memoranda in my possession, but I have no vouchers and I am willing to surrender what I have no roughers, and I am willing to surrender what I have, if they will be of service in this investigation; I took them to protect uves!

A.—I have taken eopies from some of Mr. Austin's acounts, and I have a copy with me now, in relation to the cones, paid to Mr. Cozzens, unauthorised by the committee at the time of payment.

Q.—When did you make that copy?

A.—In the month of July, 1852, before I left.

Q.—Bid you make copies of these papers by which you my Mr. Austin had been guilty of malpractises before or other you left the institution?

ry ou left the institution?

Before I left and then I changed my mind in consence of Gen. Wetmore's representations.

How long before?

I cannot say, but during the month of July, 1852.

What was your object in making those copies?

I wanted to satisfy myself that everything was it, and by making extracts I thought I could examine nat my leisure.

At the time of taking the extracts you had not

m at my leisure.

—At the time of taking the extracts you had not de up your mind that Mr. Austin had been quilty of lpractises?

—Partially so, but I had my suspicions that he had;

Wetmore overcame my suspicions in London, on the h day of August last, which is the time that the cercate of character which I gave to Mr. Austin bears e.

12th day of August last, which is the time that the certificate of character which I gave to Mr. Austin bears date.

Q.—State definitely what Mr. Wetmore said to you?

A.—About the same I repeated on Friday; he told me that I was mistaken in George, that he was a fair man and would not do anything wrong, and that he would go round and see Mr. Austin. on the same day, afterwards, he told me that he had seen him; that is all I recollect at this moment; I saw Gen. Wetmore on the 12th August, at the store of his son; I had previously called upon Gen. Wetmore, at his house, and complained to him that I thought I had not been fairly dealt with by some of the managers, and he told me that he would see some of them in relation to it; I then told him that I was fearfal Mr. Anatin was not conducting himself right, and that I had made some complaint to the committee of management, in which I did not conceive Mr. Austin to be altogether straight: General Wetmore told me that Mr. Austin had denied to Colonel Warner that he never called Colonel Warner a "damned rascal;" I insisted that he had, and General Wetmore told me, further, that Mr. Cozzens, the President, had called upon him and complained of Colonel Warner receiving the \$33 monthly, and bolstered me up in regard to the sharge I had made, and that General Wetmore had drawn his check, and did not believe Austin's denial to be worth a great deal; I told him (Gen. W.) that Austin would make drafts payable "to bearer" instead of 'to order"—instead of presenting his bills passed in this way.

Q.—At that time you had copies of these vouchers?

A.—Not at that time; this conversation I have just related, was in the month of July; General Wetmore said to me that he thought Mr. Austin was a fair man; that he would sot do anything wrong, and that he had been round to see him; I did not complain of any other member of the committee of management at that time, to he bear would be the committee of management to that the the dome that he thought Mr. Austin was a fair man; that he w

6.—When you wrote that part of the letter stating that be difficulty between you and Mr. Austin had been set-ied, had you reference to what had taken place between ou and General Wetmore in your conversation with him General Wetmore).

had had with Mr. Austin.

Q.—State what took place between you and Mr. Austin that day?

A.—Mr. Austin told me it had been intimated that I had gone about the streets speaking ill of the members of the committee, which I denied, and which is true; he said that Mr. Cozzens was highly incensed when he heard of it, and that he was glad to find that it was not so, and wanted me to put that denial upon paper, which I consented to do at once; he also said that I might say what I choose is regard to charges against him for irregularity as Treasurer; I wrote something in general terms, embracing the desial of my having spoken ill of the committee, and stated that the difficulty between Mr. Austin and myself had been explained, and stopped there; he wanted me to go beyond that, and say something in regard to the manner in which the affairs of the institution had been conducted, and on that request I wrote that letter; when I signed the letter he paid me \$150, for which I gave him a receipt.

Q.—Please lay before the committee all copies o wonchers, memoranda, or anything eise you may have in your possession or under your control, which in your judgment reflects upon the integrity of George W. Austin A.—I have extracts from certain vouchers of the Ar. Union, and will produce them in reasonable time.

Q.—(By the Chairman.)—Have you any originals.

A.—No; and I do not of my own knowledge, know where they are.

Q.—Will you produce what you have now with you?

hey are.

Q.—Will you produce what you have now with you?

A.—I have one here, which if I cut it off, will destroy
my memoranca, but I will do so to morrow, or any other

Rresident—This is not testimony.

Mr. Fullerton.—It is, unless I object to it.

Witness.—I think the document reads, American Art Union, Ir. (without giving the name, 1850, September 6, paid to R. G. White, editorial, \$50, September 12, for opening gallery, \$73, 75; September 12, advertising in Philadelphia, \$45, 16—making \$165, 90. It is receipted in this way, "Reimbursed to me by treasurer, 23d January, 1851, A. M. Cozzens," and on the 3oth January, it appears to have passed through the books in the manner that Mr. Austin's accounts were usually entered.

Q.—How, is your judgment does that reflect upon the character of Mr. Austin?

A.—Mr. Austin, the Treasurer, had no authority to pay Mr. Cozzens any money, and then keeping it seven days after he paid it, until it became an old matter.

Q.—Keeping what?

A.—The vouched from the auditing committee, seven days after he paid it, it had always been stated that Mr. Cozzens was in advance to the institution, and I conceived that the proper mode would have been for Mr. Cozzens to have presented that bill to the auditing or finance committee, and allow his associates to pass upon it, there being no vouchers attached for the disbursements charged in the bill, instead of the course pursued by him and Mr. Austin.

Q.—How do you know when this was entered on the

books.

A—I judge from the face of the document itself; all bills which passed the firance committee, bore the date of their passage on the face of them, or should do so. My copy shows when the bill passed the finance committee, which was no 30th January, 1851, and the receipt is dated on the 23d of that month; I think that Mr. Correns, professing to be a merchant, abould be cautious how he should allow a bill of that kind being paid to him without the sanction of his associates, and that Mr. Austin was wrong in becoming a party to such transaction.

party to such transaction.

Q.—Did not that same thing occur with reference to Q.—Did not that same thing occur with reference to your salary on more than one occasion?

A.—Ide not know whether it did or not; but I know that I gave a proper voucher for my salary, and there is no proper voucher attached to this bill of Mr. Comens.

Q.—Was your bill for salary passed by the finance committee before it was paid to you?

A.—I think it very possible that my salary may have been paid before it passed the committee.

Q.—Was it not always paid before it passed the finance committee?

Q.— Was it not always paid before it passed the linance committee?

A.—No, sir.

Q.—Was there ever such an instance?

A.—I think it very likely; my salary was a fixed fact, and no veuchers were necessary; I mght have anticipated my salary; there was no doubt about my salary.

Q.—Do you think it an excuse that an account should be paid, although correct, without auditing?

A.—That is a matter for the treasurer should have paid my bill, even if he thought it was correct; not even my ewn, much less the President's.

Q.—Is that your handwriting? (Handing bill to the witness.)

Q.—Is that your handwriting? (Handing bill to the winess.)

A.—I doubt it; I do not wish to deny it, but I do not think it is in my handwriting; I do not see why I should only write my name to a receipt, while I am able to write the whole myself.

Q.—Ibd you ever receive your salary in advance?

A.—Yes, but it had reference to madjusted claims; the payment of that salary had reference to my other claims. The following bills were then put in:—

"American Art Union, to J. Monk, Dr. 1000 Bated New York, April 26, 1852.

(Signed.) Rec'd payment, J. MONK. And passed by the committee April 8, 1852.

A. WARNER, Sec'y."

To one month's calary for June, 1852.

To one month's calary for June, 1852.

Determine the committee April 8, 1862.

Rec'd payment, J. MONK.

And passed on the 13th May, 1862.

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A. WARNER, Sec'y."

Q.—State what imported pictures were ever purchased

A. WARNER, Sec'y."

Q.—State what imported pictures were ever purchased and put upon the eatalogue of distribution?

A.—i know that Mr. Austin and others of the committee purchased from Williams and Stephena imported pictures, which were afterwards sent to Boston, and sold at a loss; one was called the "Tangled Skein," another the "Gipsies;" I will produce a list of them.

Q.—Answer my question; was there ever such an induser.

Q.—Answer my question; was there ever such an instance?

A.—I think so.

Q.—Who made the purchase?

A.—I think there was a small party inside who had the management of these things, and that Mr. Austin was mainly instrumental in doing it.

Q.—Can you, with the aid of the list of pictures distributed, name any one picture so purchased by Mr. Austin? (Handing list to witness.)

A.—The list contains 450, and it will take me some time to go over it, but I think I can do so.

Q.—Did the Art Union ever own any pictures that were soft put upon the catalogue for distribution?

A.—Yes, sir, they owned pictures of that kind.

Q.—West there not a great many pictures on exhibition which they never owned?

A.—Yes, p. great many.

Q.—Were not the foreign pictures that you speak of out upon the catalogue for exhibition?

A.—Some of them were, and I do not know but all.

Q.—Were there different catalogues?

A.—Yes.

book.

Q.—Why were these pictures taken to Boston and sold?

A.—Because the committee thought they could get better prices from them in Boston, as they were getting old here; and another reason was that there was no other good place to sell them except where they were purehased; the committee did not dare to put them on the list for distribution, because they were pointed out in the gallery as foreign works.

Q.—What works of art and foreign productions were purehased as a matter of speculation?

A.—I have given two, and I will give the rest to-morrow.

row.

Q.—What pictures belonging to Mr. Austin were purchased by the Art Union?

A.—One of them was the "Beefshooters." Mr. Austin beought it of Mr. Bingham; he was dissatisfied with it, sold it to the Art Union, and drew checks in Bingham's name, payable to bearer; he had previously given Mr. Bingham an order to paint a picture; he drew from the Art Union, I think, \$300; I do not know why he made the check navable to bearer.

Bingham an order to paint a picture; he drew from the Art Union, I think, \$200; I do not know why he made the check payable to bearer.

Q.—Why do you say the checks were payable to bearer?

A.—Because I have seen them; I think there were three sight drafts for \$100 each; I think they were drawn by Mr. Cozzens and filled up by Mr. Austin; I think Mr. Austin filled them up in his own handwriting, but as to this I shall be able to speak more fully to-morrow; I think the price of that picture was \$300 and not \$350.

Q.—Were not those drafts (handing documents to witness) paid for the "Beefshooter?"

A.—I think not, for there were other works purchased of Mr. Bingham at that time; I know Mr. Austin purchased a crayon drawing from Mr. Miles, which was afterwards "rung in" on the committee, entitled "Study of a Head;" this was afterwards distributed or sold; he did not fill up a check, payable to bearer, to pay for that purchase, but he gave an order on me for the money, and owed it me for a long time; afterwards Mr. Austin billed it to the Art Union.

Q.—Did you mean to be understood, in your direct examination, to say that G. W. Glass, of London, was not an American citizen?

A.—I meant to be understood as my believing so, and often having heard that he was of English birth, never naturalized, and residing in London.

Q.—Was not the Art Union in the habit of buying his pictures before he went to London?

A.—I do not know that he ever went to London, or that he was ever in this country.

The committee stands adjourned until 10 o'clock, this day.

Stated Session.

Present—Richard T. Compton, Eq., President, Aldermen Moore, Haley, Sturtevant, Oakley, Boyce, Barr, Tweed; Brisley, Francis, smith, Tiemann, Pearsall, Bard, Ward, Denman, Cornell, Alvord, Doherty, Peck.

The minutes of the last meeting were read and approved.

Denman, Cornell, Alvord, Doherty, Peck.

The minutes of the last meeting were read and approved.

PETITIONS

By Alderman Francis—Petition of Wim. D. Briggs and other in relation to the freight cars of the Harlem Railroad Company. To Committee on Streets.

By the same—Petition of John Swab to be remunerated for damages to his stoop, No. 111 Christie street, by Hose cart No. 13. To counsel to the Corporation.

By Alderman Oakley—Petition of Timothy Garrick to be relieved from his bond as surety for John Lapden, Collector of Taxes in Sixth ward, for 1839. To Committee on Finance.

By Alderman Peck—Petition of the pavers under the Superintendent of Pavements for increase of wages. To Committee on Salaries and Offices.

By Alderman Atvokn—Bill of Dr. Wim. B. Bibbins, amounting to \$12. for medical attendance in the Eighteenth ward. To Committee on Police.

By Alderman Suri—Petition of Cornelius Bogert for a reappointment of Commissioner of Deeds. To Committee on Salaries and Offices.

By the same—Petition of Israel Ogden and others to have sewer in avenue C extended through Fourteenth street to the East river. To Committee on Sewers.

By the same—Petition of Michael Fisher and others for new Hose Company in the Eleventh ward. To Committee on Fire Department.

By Alderman Haley—Petitions of Captains of Police of the several wards, for an increase of compensation. To Committee on Salaries and Offices.

By Alderman Peck—Petition of James Christopher, to have lot corner of Forty first street and Sixth avenue flagged. To Committee on Selaries and Offices.

By Alderman Peck—Petition of Hose Company No. 21, relative to term of office of Chief Engineer. To Committee on Crotop Aqueduct Department.

By Alderman Haley—Petition of Hose Company No. 21, relative to term of office of Chief Engineer. To Committee on Free Pepartment.

By Alderman Bark—Resolved, That the Street Commissioner of Repairs and Supplies be, and he is hereby directed to cause the rails of the Harlem Railroad Company, in Canal street, to be taken up, in accor

be, and he is hereby is appointed a Commissioner of Deeds, in and for the city and county of New York. To Committee on Salaries and Offices.

By Alderman Timmann—Resolved, That the sidewalks in Fifteenth street, between Fifth and Sixth avenues, be flagged where the same are not now flagged, under the direction of the Street Commissioner. Adopted.

By Alderman Moore—Resolved, That Pearl street, between Whitehall and State streets, be repaired forthwith, under the direction of the Commissioner of Repairs and Supplies. Adopted.

By Alderman Tween—Reselved, That the poll of the Second Election district of the Seventh ward be, and the same is hereby, removed from No. 38 Pike street to No. 113 Madison street. Adopted.

By Alderman Oaker—Whereas the Veteran Corps of the War of 1812, under the command of Colonel Nicholas Haight, intend celebrating the approaching anniversary of our national independence in this city; therefore Resolved, That the said corps and their brethren be considered the guests of the Mayor and Corporation for that day, and that the Superior Court room in the City Hall be appropriated for their use on that day as heretofore. Adopted.

COMMUNICATIONS.

From Counsel to Corporation, relative to claim of Cur-

considered the guests of the Mayor and Corporation for that day, and that the Superior Court room in the City Hall be appropriated for their use on that day as heretofore. Adopted.

COMMUNICATIONS.

From Counsel to Corporation, relative to claim of Curtiss, Mitchell & Co. Whereupon the report of the Committee on Lamps and Gas, in favor of concurring to pay the said claim was adopted.

From Committee of Repairs and Supplies, with resolution directing him to advertise for proposals for regulating Tenth avenue, between 174th and 194th street. Adopted. From the same, with estimates, and awarding contract for alterations to house of Hose Company 39. Adopted. From the City Inspector, in relation to low and sunken lots, and condition of Thirty fifth street, between Seventh and Eaghth avenues. To Committee on Public Health.

From the Comptroller, in relation to claim of Theodore Hunt, for extra work on courthouse. To Committee on Finance.

From the Street Commissioner, asking to have the ordinance for regulating Forty-second street from Tenth avenue to Hudson river amended. To Committee on Streets.

From the Street Commissioner, with apportionment of assess ment in the matter of grading Fifteenth street, between avenues A and B; also for regulating Eighth avenue, from Eighth street to 18th street; also for paving Eighteenth street, from avenue A to East river, also for regulating, &c. 119th street, from Second avenue to Harlem river. Adepted.

From the City Inspector, relative to dumping of night soil. To the Special Committee of which Alderman Oakley is chairman.

From the Commissioner of Streets and Lamps, with estimates and award of contract to Kingeland & Sutton, for furnishing 10,000 gallons of summer strained pure apera wil. Award of contract to Kingeland & Sutton, for furnishing 10,000 gallons of summer strained pure apera wil. Award of contract to Kingeland & Sutton, for furnishing 10,000 gallons of summer strained pure apera wil. Award of contract to confirmed.

From the Commissioner, relative to removal of ce

hereon.

FROM BOARD OF ASSISTANTS.

Resolved, That the Committee of Repairs and Supplies be directed to have Lafayette place repaired. Concurred Resolved, That the Committee of Repairs and Supplies be directed to have Lafayette place repaired. Concurred in.

Resolved, That the Committee of Repairs and Supplies be directed to have Thirty-first street, from Ninth to Tenth avenue, repaired. Concurred in.

Resolved, That the Committee of Repairs and Supplies be directed to have Duane street, from Broadway to Chatham street, repaired. Concurred in.

Report of Committee on Finance—On petition of Roman Catholic Orphan Asylum, for relief from an assessment. To Committee on Finance—On petition of Roman Catholic Orphan Asylum, for relief from an assessment. To Committee on Finance.

Report of Committee on Roads—Concurring to regulate, grade, &c., L21st street, from Third to Fourth avenue. To Committee on Roads—Resolved, That the laboring men employed by the heads of the Departments be hereafter paid one dollar and twenty five cents per day, in lieu of one dollar which they now receive. Concurred in.

Resolved, That the Commissioner of Streets and Lamps be directed to have two gas lamps placed on the east side of South street at the foot of Wall street, so as to light the crosswalk thereat. Concurred in.

Resolved, That a crosswalk be laid in Allen street from opposite the Methodist church, under the direction of the Street Commissioner. Non concurred in.

Resolved, That the Superintendent of Streets be directed to remove the dirt, stones and rubbish, in the street and on the sidewalk of Eleventh street, at the corner of Second avenue. Concurred in.

Resolved, That the Superintendent of Streets be directed to remove the dirt, stones and rubbish, in the street and on the sidewalk of Eleventh street, at the corner of Second avenue. Concurred in.

Report of Committee on Roads—In favor of opening Fifty-eighth street, between Fifth avenue and Hudson river. To Committee on Reads.

Report of Committee on Roads—In favor of opening Fifty-eighth street, between Fifth avenue and Hudson river.

To Committee on Reads.

Report of Committee on Assessments—In favor of confirming assessment list for flagging 125th street from 15th to Eighth avenue, and appointing Isaac Edwards Collector. To Committee on Assessments.

Resolved, That the two gas lauge in front of the old

Transfiguration church in Chambers street, between Broadway and Centre street, be removed to the front of the new Transfiguration church, sorner Mott and Cross streets. Cencurred in.

Resolved, That permission be and is hereby given to John J. Hiels, is allow; the steamboat Stanford, Capt, Lockwood, to land on the easterly side of Pier 35, East river, until required to be used for ferry purposes. Concurred in.

On motion, the Board then adjourned until Wednesday, 11th inst., at 5 o'clock, P. M.

BOAD OF ASSESTIT ALMENTED.

BOARD OF ASSISTANT ALDERMIN, Monday, May 9, 1853.

Present.—Assistant Alderman Woodward in the shair.
Assistant Aldermen, Brown, Tait, Mabbatt, O'Brien, Mabee, Breaden, Ring, Wells, Hunt, Bouton, McGown, Stewart, Wheelan, Barker, Rogers, Crawford, O'Keefe, and McConkey.

McConkey.

PETITIONS.

By Assistant Alderman McGown—Of H. B Gray and others, to have Nunctieth street, between Third and Fourth avenues, graded. To Committee on Roads.

RESOLUTIONS.

By Assistant Alderman Breaden—That Anthony street, from Centre to Orange, street.

from Centre to Orange street, be repayed, curb and gut-ter stones reset, and sidewalks flagged. Adopted. By the same—That the salary of the Street Inspectors be increased to \$2 per day. Adopted by the following yote.

ter stones reset, and sidewalks flagged. Adopted by the following be increased to \$2 per day. Adopted by the following vote.

Affimative—Messrs. Brown, Tait, O'Brien, Breaden, Woodward, Ring, Wells, Hunt, Bouton, Stewart, Wheelan, Rogers, O'Keefe and McConkey—14.

Negative—Messrs. Mabbatt, Mabee, McGown, Barker, Crawford.—5

By Assistant Alderman Wheman—That Houston street, from the Bowery to Mott street, be repaved. Adopted.

BEFORES.

Of Committee on Finance—In favor of remitting the assessment on Third Reformed Presbyterian Church, in Forty-first street, between Ninth and Tenth avenues.

Assistant Alderman Bouton moved to amend by remiting one half. Report adopted by the following vote:—

Affirmative—Messrs. Brown, Tait, Mabbatt, O'Brien, Maybee, Breaden, Woodward, Ring, Wells, Hunt, McGown, Stewart, Wheelan, Barker, Rogers, Crawford, O'Keefe and McConkey—18.

Negative—Assistant Alderman Bouton—1.

Of same—In favor of concurring to remit assessment on Presbyterian Church, in Rutgers street, for a sewer built in Houston street. Adopted by the following vote:—

Affirmative—Messrs. Brown, Tait, Mabbatt, O'Brien, Maybee, Breaden, Weodward, Ring, Wells, Hunt, McGown, Wheelan, Barker, Rogers, Crawford, O'Keefe and McConkey—17.

Negative—Assistant Aldermen Bouton and Stewart.

Of same—Recommending that the petition of G. Van Zant for correction of assessments—In favor of confirming the following assessment lists, and appointing Issae Edwards collector therefor, viz:—For fencing vacant lots between Broadway and Sixth avenue, Twenty fourth and Twenty fifth streets, and also between Fourth and Madison avenues, and 3 hirtieth and Thirty-first streets; for reflagging and resetting curb and gutter stones in front of Nos. 5, 7, and 9 Hoboken street; for regulating and paving Ninth avenue, from Forty-third to Forty-fifth street; Party-third street; and in Thirty third to Forty-fifth street; Party-third and Fifth avenues. Adopted by the following vote visions streets; for grading Forty-fifth street, between Third and Fifth

Governeur streets; for grading Forty-fifth street, between Third and Fifth avenues. Adopted by the following vote...—
Affirmative—Messrs. Brown. Tait, Mabbatt, O'Brien, Maybee, Breaden, Woodward, Ring, Wells, Hunt, Bouton, McGown, Stewart, Wheelan, Barker, Rogers, Crawford, O'Keefe, and McConkey—19.

Of Committee on Fire Department—In favor of paying bill of repairs for Hose Co. No. 11. Adopted by the following vote, viz..—
Affirmative—Messrs. Brown, Tait, Mabbatt, O'Brien, Maybee, Breaden, Woodward, Ring, Wells, Hunt, Bouton, McGown, Stewart, Wheelan, Barker, Rogers, Crawford, O'Keefe, and McConkey—19.

Of Committee of Assessments—In favor of remitting 390 81 to Charles L. Noe on assessments, for sewer in Delancy street; in the matter of apportionment of assessment in relation to paving Fifth avenue; to concur in the matter of reducing assessments on lots in Thirty-first street, and deducting same from contractor's pay. All adopted, each by the following vote:—
Affirmative—Messrs. Brown, Tait, Mabbatt, O'Brien, Maybee, Breaden, Woodward, Ring, Wells, Hunt, Bouton, McGown, Stewart, Wheelan, Barker, Rogers, Crawford, O'Keefe, and McConkey.

Of Committee on Roads—To concur to pay Wm. A. Cumming for damage and expense in being compelled to suspend the work of regulating, &c., Forty-ninth street, between Eighth and Ninth avenues. Adopted, by the following vote:—
Affirmative—Messrs. Mabbatt, O'Brien, Ring, Wells, Hunt, Bouton, McGown, Stewart, Wheelan, Barker, Rogers, Crawford, O'Keefe, and McConkey—14.

Negative—Brown, Tait, Maybee, Breaden, and Woodward—5.

Of Committee on Finance—To remunerate Joseph Carllale for damages done to bis pronserty by Engine Com-

Hunt, Bouton, McGown. Stewart, Wheelan, Barker, Roges, Crawford, O'Keefe, and McConkey-14.
Negative-Brown, Tait, Maybee, Breaden, and Wood-Ward-5.
Of Committee on Finance—To remnnerate Joseph Carlisle for damages done to his property by Engine Company No. 9 (\$78.) Adopted, by the following vote:—Affirmative—Mesars. Brown. Tait, Mabbatt, O'Brien, Maybee, Breaden, Woodward, Ring, Wells, Hunt, Bouton, McGown, Stewart, Eaker, Rogers, Crawford, O'Keefe and McConkey—18.
Negative—Assistant Alderman Wheelan.
Of Commissioner of Sewers—To cencur for sewer in Nineteenth street, between avenue A and First avenue; to concur for sewer in Madison street, from No. 175 to Rutgers street; to cencur to permit James McKnight to construct sewer in Second avenue at his own expense; to concur for sewer in Ridge street, from Houston to Stanton street. All concurred in, each by the following vote:—Affirmative—Mesars. Brown. Tait, Mabbatt, O'Brien, Maybee, Breaden, Woodward, Ring, Wells, Hunt, Bouton, McGown, Stewart, Wheelan, Barker, Rogers, Crawford, O'Keefe, and McConkey.

By Assistant Alderman Brown—That the house of engine company, No. 20, be painted. Adopted.

FROM BOARD OF ALDERMIN.

Preamble and resolutions permitting Second avenue Railroad Company to change their route from Second to Twenty-third streets, by passing through First instead of Second avenue, &c. To Committee on Streets and Roads.

Resolution—That the poll of second election district, Seventh ward, be removed from 35 Pike to 173 Madison street. Concurred in.

Resolution—That tronswalk be laid in West street to pier of Collins steamers. Concurred in.

Resolution—That tronswalk be laid in West street to pier of Collins steamers. Concurred in.

Resolution—That the Chief Engineer of the Fire Department furnish Engine Company No. 3 with one of the old engines now in the cryporation yard. Concurred in.

Reports—In favor of remitting tax for 1861 against the New York Hospital; granting petition of St. Luke's Hospital to sell or exchange lots on Fifth avenue. To Committee

six o'clock.
From the minutes. C. T. McCLENACHAN, Clerk.

The Board then adjourned to Wednesday afternoon at six o'clock.

From the minutes. C. T. McCLENACHAN, Clerk.

Debates in the Common Council.

President Compton in the chair; minutes of last meeting read and approved.

Petition of owners of property on the Bowery, to have the Harlem Railroad decrease the number of freight and passenger cars upon that road.

Alderman Bara hoped that it would be referred to the Committee on Streets, and he desired that committee to report quickly, as the Harlem Railroad granted the use of their track to the New Haven Railroad which was never contemplated when the Common Council gave the grant of laying down a track to that company.

Alderman Stratavant wished to remind the gentleman from the Sixth ward that those cars which he called a nusiance brought the wealth of the city into it. If they were a nuisance, they must, nevertheless, be tolerated. If such sources of wealth were to be stopped, then New York city must stop her progress in her onward courses. The resolution was referred to the Committee on Streets.

A communication was received from the Street Commissioner in regard to removing the telegraph poles in Broadway.

Alderman Strutavant said this was the second time since he had been in the Board, that communications had been received from keads of departments, asking for special appropriations and authority for obeying our orders. I think that if there is any nuisance existing in this city, the proper authorities have the right to remove it, and should do so without any special appropriation from us. I therefore move thise board on the street Commissioner of Streets.

Alderman Ward—I think I presented a petition heretofere to remove them. He now, after a lapse of two years, says that be cannot obey our orders. I think this an insult to the intelligence of this Board, and should be treated with contempt. These departments, some of them, says that the city have one. I, for one, don't want to learn law of them. I don't think them capable of teaching it tem. If he had any doub

It was carried that the communication be placed or He.

The Board then adjourned till Wendesday next, at a colock P. M.

The Board then adjourned till Wendesday next, at 5 o'clock P. M.

Beard of Supervisors.

His Hon. the Recorder in the Chair.

MAY 9.—The minutes of last proceedings were read and approved.

ATENDANTS OF THE SUPREMS COURT.

Resolved, That it be referred to the Committee en County Offices to inquire into the expediency of increasing the amount of compensation now received by the at tendants on the Supreme Curt. Adopted.

OFFICE OF THE CITY JUDGE.

Resolved, That the Comptsoller giraw his warrant in favor of Hon. Welcome R. Beebe for the sum of \$100 for the payment of rent for an office occupied by him as City Judge since the office previously occupied by him was appropriated to the use of a Coroner's office. Referred to Committee on County Offices.

APPLICATIONS REFEREND.

Communications from Hon. Judges Edwards, Mitchell, Roosevelt and Morris, in favor of appointing Joseph P. Smith as strendant of the Supreme Court. Application of Timothy T. Weeks for appointment of office in the Court of Common Pleas; of William F. Stevenson, to be appointed Crier of the Marine Court.

Bill of Hon. Judge Merris, \$375 for additional compensation as a Justice of the Supreme Court, from January 1, 1853, to April 1, 1853, was ordered to be paid.

The Board then adjourned to Monday next at 4 o'clock.

United States District Court,
Before Hon. Judge Ingersoll.
MAY 9.—The Court was opened this morning before
Judge Ingersoll, of Connecticut. Judge Betts is sitting
in another branch, disposing of the admiralty calendar.
The criminal cases not being ready, the Court adjourned
till 11 o'clock, Tuesday morning.

Superior Court.

THE CLERK OF THE SUPERIOR COURT.

MAY 9.—It was currently reported in the City Hall
this day, that Robert G. Campbell, Esq., Clerk of the
Superior Court, was in a very precarious state of health
and had sent in his resignation.

of gold and silver pens from a boy named Charles W. Berry, who stole them from his employer, Mr. Richardson, No. 4 Liberty place.

Chas. W. Berry, being duly sworn, deposed—That he was an apprentice to Mr. Richardson, and that he, at different times, stole gold and silver pencils from his employer; he brought them up to Mr. Cndlip, the pawnbroker, and there sold about one hundred silver pencil cases, for \$8 per hundred; Mr. Richardson did not know that he sold these articles; he had been there five or six times with pencile, and Mr. Cudlip told him to bring all he could, and he would buy them at the rate of eight cents a piece.

these articles; he had been there five or six times with pencils, and Mr. Cudlip told him to bring all he could, and he would buy them at the rate of eight cents a piece.

The witness was here cross examined by the prisoner's counsel, but the evidence elicited was a mere corroboration of what he stated on first being sworn.

Mr. Richardson was then sworn, and deposed—That he saw the pencil cases at the store of the defendant; there were about ninety-three; he got a warrant, and the defendant delivered the goods up to the officer; the pencil cases were worth \$50 per hundred.

George Cudlip, brother of the accused, was here sworn, and deposed that Berry was in the habit of bringing goods there to be pawned for his father.

Mr. Sammond, the bookkeeper of the defendant, was here examined by the District Attorney in reference to the entry made on his book; he never saw the boy before; he gave his name to him as Thompson when he brought the pencils to the store.

Witnesses were then brought forward to prove the good character of the prisoner. Mr. Burns testified that he knew him seven years, and always found him to be perfectly honorable; his character was, in his opinion, good.

The District Attorney then rose and said, that without having any bad feeling towards the defendant, he thought that all pawnbrokers who dealt with boys of the age of Charles Berry should be held to strict account, and be dealt with according to law.

The Judge then charged the jury, who after a few moment deliberation returned a verdict of not guilty.

ABSAULT AND BATTERY.

John Hellerman was acquitted on charge of committing an assault on Mrs. Bulley, by breaking her arm and fracturing her collar bone.

The complainant swore positively that the defendant ran away with her watch, and struckher a violent blow on the arm, which put it out of joint.

The council for the defendant brought up witnesses to prove that he was in the behouse of, his teacher at the time of the alleged assault, and therefore could not have committed the deed as allege

who returned a verdict of guilty, without leaving their seats.

Thomas Michaels, a boy about fourteen years of age, was brought up on a charge of stealing a gold watch and chain, valued at \$57, from Mr. Cumberson, who deposed that while as the St. Charles theatre, in company with a friend, the prisoner pushed up against him, and picked the watch out of his pocket. He immediately seized the thief and gave him in charge of a policeman. The jury, after a few moments of deliberation, returned a verdict of guilty.

A youth named Charles Muller, was found guilty of burglary, for entering a second-hand watch and clock store, in Centre street, and taking therefrom a quantity of goods, valued at \$44. The prisoner, on being asked it he had any thing to say in reference to the affair, replied through an interpreter, that he did not enter the store, but on the contrary bought the goods from another person, about ten o'clock on the night the burglary was committed.

The Jury were then discharged until 11 o'clock this ommitted.

The Jury were then discharged until 11 o'clock this

THE CROPS.—The Augusta (Ga.) Constitutionalist says.—"Both the cotton and corn crops in this section are very backward, and at the present time are suffering much for the want of rain. Planting was late in consequence of heavy rains, and since the seed has been put into the ground we have had an unusual dry spell of weather, with every prospect of its continuance."

SUICIDE OF AN EDITOR.—Mr. Charles C. Wellington, who committed suicide at Chatham Four Corners, in Ulster county, on the 30th ult., an account of which, together with an interesting letter from his mother, we published a few days since, was the editor of the Madison County Journal, published at Hamilton. In the long contested case of Allard vs. Perkins, in the Supreme Court in Boston, being an action to recover dam-ages for running over a child, the jury returned a verdict for plaintiff in the num of \$1,080 for.

The Tchuantepec Question.

MEMORIAL OF THE HOLDERS OF THE GARAY GRANT, PROTESTING AGAINST THE VALIDITY OF THE SLOOG CONTRACT.

To his excellency, the Presuent of the United States, respectfully represent—

That during the American occupation of the republic of Mexico, the government of the United States ofered to purchase a right of free way across the Isthmus of Tehuantepec. In reply to this application, Mexico asserted that she had conceded this right to one of her own citizens. Don Jose de Garay, and that he had subsequently, and with her sanction, transferred it to British subjects.

Influenced by the importance of this right, and relying upon the "honor and faith" which Mexico had publicly "pledged," to maintain the holder-thereof "in undisturbed possession," the memorialists became the proprietors of the American demand. Soen after this acquisition, the government of the United States united with the executive of Mexico in a convention for the protection of the transit way across the isthmus of Tchuantepec, upon the basis of the Garay title. This convention having been, in accordance with its terms, submitted to and approved by the holder of the right, was also formally ratified by the government of the United States. It had previously received the signature of the Mexican executive. The memorialists, in the mean time, had entered upon the granted property, with the written permission of Mexico. They prosecuted, during more than air menths, an expensive and elaborate survey of the isthmus, and thereby demonstrated the entire practicability of the work of communisation, and in execution of the decree, foreibly expelled them from her territory, under circumstances which were deemed highly disrespectful to the United Silates.

The convention then became the subject of a pretracted diplomatic discussion, which was closed on the 8th of

which were desented mignly unrespensate to the universellation.

The convention then became the subject of a pretracted diplomatic discussion, which was closed on the 8th of April, 1852, by the act of the Mexican Congress rejecting it. The increasing importance of the subject induced that the careative would communicate the decuments and correspondence relative to the rejected convention. And on the 30th of August in the same year, the Committee of Foreign Relations, to what the subject had been referred, submitted a reportand resolutions strongly approving the executive affirmation of the validity of the title held by the memorialists, and recommenting remedial action of the most effectual character.

Whilst Mexico, however, has persevered in her apparent determination not to recognize the rights thus asserted by the government of the United States, she has repeatedly avowed her willingness to grant a way of communication across the isthmus of Tehnantepec, free and common to the commerce of the, whole world." Numerous propositions have been made to the Mexican Congress for the valuable privileges of which the memorialists have been lingally deprived, and on the 18th of May, 1854 the right of opening communication across the isthmus would be renewed. This was followed by the convocatoris of President Arista, prescribing the conditions upon which proposale would be received for a new grant. On the 5th of February last, the executive, ad interm. signed a contract, purporting to grant to certain applicants rights which conflict with those held and asserted by your memorialists.

Your memorialists.

Your memorialists here advert to this grant for the purpose of showing that it is not a reliable and sufficient assurance of rights highly important to the people of the United States. If the acknowledgement of the Garay title by six consecutive revolutionary and antagenist administrations of the Mexican government outlet for the purpose of high provisions. The substitution to Tehnantepe unless previously approved by th THE CLERK OF THE SUPERIOR COUTA.

In the Senset of Court, was in a very precarious rates of health and jud east in the resignation.

Court of General Seasons.

Court of General Seasons.

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domestic intercourse between the systems of States now grawing up along the shores of the Atlantic and Pacific octans. This route is to become a great artery of circulation between those systems; and abould be subjected neither to stoppase or stricture. As a medium of transit it should be as free and open as that between any other States of the Union. This necessity requires the suspension by Maxico of all her laws that impose any restraint in regard to the entry upon, or passage across the isthmus. It would involve merely such qualcaction the termini, and the passage the testingh her territory. Her maritime, municipal, and federal jurisdiction might remain unimpaired in every other particulars. Such are the provisions to which she assented in the grant held by your memorialists. It is true, that in the conflicting grant which we sre, now considering, the Mexicon government plausibly consents to impose 'no tax or contribution of any kind, either from the transit of passengers or merchandise." But as the government reserves to itself the right to regulate the tariff of transportation, it will be easy to exact a transit tax, mutation omize. Besides, the general revenue laws of the republic have not been repealed even by this executive edict; and so far from the constant under review containing any concession of easity without import, export or tonnage duties, it requires the company our yield the measures to insure that every passenger shall observe the revenue laws of the republic.' [Art. 19.] It also exempts "the stemmboats of the company carrying the transit malls and merchandise freet tonnage duty." [Art. 2. Navigation.] This clearly indicates that all other vessels entering Mexican ports must pay this duty, otherwise there could have been no necessity for granting a special exemption, to recurs the enjoyment of a commen right. The commercial intercourse of the United States, who had be placed beyond doubt or difficulty, in terms which cannot be misunderstood or misapplies. This medium of communication may th

unworthy of the countenance of the American government.

Again, the recent contract is subject practically, to the control of the Mexican government, and can be modified or annulled by it at pleasure. It reserves to the courts of Mexico the exclusive adjudication of all questions which may arise in regard to its construction or operation; [Art. 20th. Contract 21 and 22 Convocatoria.] it prohibits, under the penalty of forfeiture, any transfer or alienation [Art. 20th Contract 22d Convocatoria.] of the grant, or the admission of any foreign government as a partner; [lb. ib.] it gives to the Mexican government ar right of representation in the [Art. 18th Contract 22d Convocatoria.] affairs of the company equal to one third part of its entire stock; to Mexican citizens is secured the sole right of subscription as to one-third [Art. 22d Contract.] of the stock during the period of six months; it places the foreign members of the company negations to derationalize themselves, in [Art. 20th, Con. 12d. Con.] all matters relating to their associate rights. With

easy for the Mexican government to acquire a parametry of metically to control the work. In any collision of national interest which might occur, the government of Mexico, armed with political and representative powers reserved in the contract, upported by here and Chairca," the companies of Chairca, Tobasso, sprinkling of British capital, and the weight of British capital capital and the constant and the contract of the capital c

TO THE EDITOR OF THE NEW YORK HERALD. My attention has been directed to the report of the Superintendent of Indian Affairs for California by the notices which I have seen of it in the public prints of the country. In looking over the report I find some stranges things set down to the charge of the citizens of that State which are new and unaccountable to me. I am State should go to the world uncontradicted. I regret that the Superintendent had not informed himself better before he made his report. It is evident to my mind that he has done so entirely from the say so of others, and his informers have been very careless in the manner they com-

before he made his report. It is evident to my mind that he has done so entirely from the say so of others, and his informers have been very careless in the manner they communicated their information. I have resided in California; since October, 1849, the greater part of the time in the mountain, or mineral region, which is now, and has been during that period, inhabited by the Indians. I resided from August until December, 1851, on the San Joaquin river, within two miles of Fort Miller, where there is the largest collection of Indians in California, and I have travelled a great deal among them in other parts of the State, and I must say that I have never heard of such seats of barbarity as are set down in that report against our own countrymen.

I was on King's river in six hours after the affray had occurred, which is represented in his report as a massacre of women and children, and which he says was promeditated. I knew all the Americans engaged in the affray, and the gentleman who is stigmatised as the leader of the massacre! have known for years. And from the careless manner this sfair has been reported I come to the conclusion that the whole history of Indian barbarities in California is somewhat similar. In this affray, there was not one woman or a single child killed, nor even wounded. The Indians made the attack upon the Americans, and wounded one man with an arrow before there was a gun fired; and it was so soon over that but one Indian get wounded; the rest field to the mountains, as I was informed by Major Harvey, who was the leader, and isoo by the entire party, in six hours after it occurred. On the next day, a party consisting of nine, crossed King's river and visited the Indian village. I was one of the party, and we saw the Indian men who had been engaged in the affray the day before, who informed us that they had been told by the Indian Commissioners to fight for their land—that they supposed the white men were looking at their country to take it from them. We told them that such was not the

Washington City, May 7, 1853.

Three Cent Pleces Wanted. MISSISSIPPI VALLEY, (North,) April 25, 1853.

Mississippi Valley, (North.) April 25, 1853.

TO THE EDITOR OF THE HERALD.

The decision at the Mint, suspending the coinage of three cent pieces, operates unfavorably for a great portion of the West. Notwithstanding the large amount stated to have been coined and issued, they are, nevertheless, very scarce through this section of the country, and needed more than any other pieces. It may be that them; but whether so or not, the country towns and interior generally are still laboring under great inconvenience from the want of them. Quarter dollar pieces are more abundant here than any other sliver coin, and the proposed operations of the Mint, therefore, for some time to come, must have reference entirely to the accommodation of the Eastern cities, where, probably, nine-tenths of the three cent pieces are increduation. It is only within the past month (since the opening of navigation) that we could order three sent pieces in any quantity, and orders which left here more than two weeks ago, are not and will not be filled under the new regulation. Is there no hely for us?

WETERN SUBSCRIBER.